

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ANDREW ECKSTEIN,)	CASE NO. 1:24-cv-514
)	
Plaintiff,)	JUDGE CHARLES ESQUE FLEMING
)	
v.)	MAGISTRATE JUDGE
)	JONATHAN D. GREENBERG
DIANE LLOYD, <i>et al.</i> ,)	
)	ORDER ADOPTING MAGISTRATE’S
Defendants.)	REPORT AND RECOMMENDATION
)	

On March 19, 2024, Plaintiff Andrew Eckstein filed a *pro se* civil rights complaint against three employees of the Lorain Correctional Institution, Inspector Dianne Lloyd, Warden Jennifer Black, and Lieutenant D. Thrasher. (ECF No. 1). With his complaint, Plaintiff filed one summons and one form for service by the U.S. Marshals, listing all three defendants on each form. (ECF Nos. 1-2, 1-3). On April 16, 2024, Magistrate Judge Jonathan D. Greenberg issued an order instructing Plaintiff to file one form per defendant for service by the U.S. Marshals and one summons for each defendant in this case no later than May 17, 2024. (ECF No. 7). The order warned Plaintiff that a failure to do so by the deadline would result in a recommendation that this case be dismissed without prejudice. (*Id.*).

On May 8, 2024, Plaintiff filed one summons and one form for service by the U.S. Marshals for each defendant, but the summonses and forms for service were directed to: “Mailroom Staff – Hammer”, “Diane Lloyd”, and “Lt. D. Thrasher.” (ECF No. 8). On May 20, 2024, Magistrate Judge Greenberg issued a Report and Recommendation (“R&R”) recommending that the Court dismiss Defendant Jennifer Black from this action without prejudice pursuant to Fed. R. Civ. P. 4(m). (ECF No. 10).

Fed. R. Civ. P. 72(b)(2) provides that the parties may object to a Magistrate Judge's R&R within 14 days after service. The R&R also gave the parties notice of the 14-day time limit for filing objections. (*Id.* at PageID #54). As of the date of this order, 31 days have passed since the filing of the R&R, and Plaintiff has filed no objections to same.

Under the Federal Magistrates Act, a district court must conduct a *de novo* review of those portions of the R&R to which the parties have objected. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(3). Absent objection, a district court may adopt a R&R without further review. *See Peretz v. United States*, 501 U.S. 923, 939 (1991); *Thomas v. Arn*, 474 U.S. 140, 141–42 (1985).

There being no objections, the Court **ADOPTS** Magistrate Judge Greenberg's R&R and incorporates it fully herein by reference. Defendant Jennifer Black is hereby **DISMISSED** from this action **WITHOUT PREJUDICE**.

IT IS SO ORDERED.

Date: June 20, 2024



CHARLES E. FLEMING
UNITED STATES DISTRICT JUDGE